

17707 U.S. PTO
07/21/03

Docket No.: PF-0487-2 DIV

Certificate of Mailing

"Express Mail" mailing label number EV 330 963 947 US. I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10 on the date indicated and is addressed to: Mail Stop: Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450 on July 21, 2003.

By: Diane Kizer

Printed: Diane Kizer

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)

Mail Stop: Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

This is a request for filing a **DIVISIONAL** application under 37 CFR 1.53(b) of pending prior application Serial No. **09/039,064**, filed on **March 13, 1998**, entitled **HUMAN E1-LIKE PROTEIN**, which is being incorporated herein by reference.

<input checked="" type="checkbox"/> Enclosed is a specification corresponding to the prior application, U. S. Application Serial No. 09/039,064 , filed on March 13, 1998 , including the oath or declaration as originally signed. The specification does not contain any subject matter that would have been new matter in the prior application.
<input checked="" type="checkbox"/> With regard to the requirement of 37 CFR 1.821(e) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants state that the paper copy of the Sequence Listing for the instant divisional application is identical with the computer readable form filed with Serial No. 09/039,064 , filed on March 18, 1998 , to which priority is claimed. In accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed with U.S. Application Serial No. 09/039,064 , as the computer readable form for the instant divisional application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant application.
<input checked="" type="checkbox"/> Cancel in this application original claims 30 - 55 before calculating the filing fee, without prejudice or disclaimer. Applicants submit that these claims were included in the application as filed in the interest of providing notice to the public of certain specific subject matter intended to be claimed, and are being canceled at this time in the interest of reducing filing costs. Applicants expressly state that these claims are not being canceled for reasons related to patentability, and are in fact fully supported by the specification as filed. Applicants expressly reserve the right to reinstate these claims or to add other claims during prosecution of this application or a continuation or divisional application. Applicants expressly do not disclaim the subject matter of any invention disclosed herein which is not set forth in the instantly filed claims.
<input checked="" type="checkbox"/> The inventor(s) of the invention being claimed in this application is (are): Preeti Lal, Neil C. Corley, Henry Yue.
<input checked="" type="checkbox"/> The prior application is assigned of record to <u>Incyte Corporation, formerly known as Incyte Genomics, Inc., also formerly known as Incyte Pharmaceuticals, Inc.</u> , recorded on December 9, 2002 , at reel /frame 013571/0574 .

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The power of attorney of the prior application is to:

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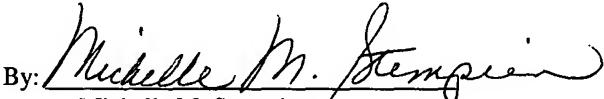
The invention was not made by an agency of the United States Government or under a contract with an agency of the United States Government.

ENCLOSURES

- Application Data Sheet (ADS) (3 pp.).
- Blanket Exemption from Requirements Under § 42 U.S.C. 2182 Letter (1 pg.).
- In accordance with 37 CFR 1.63(d), a copy of the originally signed declaration showing applicant's/applicants' signature(s) as filed (6 pp. signed in counter-part).
- Submission of Formal Drawings (1 pp.); and 8 sheets of Formal Drawings, including Figures 1A, 1B, 1C, 1D, 1E, 2A, 2B, and 2C.
- Information Disclosure Statement (2 pp.); and List of References Cited PTO-1449 (2 pp.).
- A new Certification under 37 C.F.R. §3.73(b), Revocation of Power of Attorney and Appointment of New Attorneys (2 pp.).
- Copy of Submission under 37 CFR § 1.821-1.825 Sequence Listing (1 pg.).

CLAIMS AS FILED

Claims	Number Filed	Minus	Number Extra	Other Than Small Entity Rate		Basic Fee	
				\$	750.00	\$	
Total Claims	31	-20	11	x \$18		\$	198.00
Indep. Claims	2	-3		x \$84		\$	
Multiple Dependent Claim(s), if any				+ \$280		\$	
						Filing Fee:	\$ 948.00

FEE CALCULATION AND METHOD OF PAYMENT		
The Fee has been calculated as follows:		
<input checked="" type="checkbox"/> Fee for filing a Divisional Application Under 37 CFR 1.16 (a):	\$	<u>948.00</u>
<input checked="" type="checkbox"/> Please charge Deposit Account No. 09-0108 in the amount of :	\$	<u>948.00</u>
<p>Applicants hereby authorize the Commissioner to treat any concurrent or future reply in this application that requires a petition for an extension of time under 37 CFR 1.136(a) to be timely, as incorporating a petition for extension of time for the appropriate length of time; and to charge all required fees, including fees under 37 CFR 1.16, 1.17, and all required extension of time fees, or to credit any overpayment, to Deposit Account 09-0108. This sheet is enclosed in duplicate.</p>		
CORRESPONDENCE ADDRESS (Customer No. 27904)		
INCYTE CORPORATION LEGAL DEPARTMENT 3160 Porter Drive Palo Alto, California 94304	Phone: (650) 855-0555 Fax: (650) 845-4166 or (650) 849-8886	
Date: <u>21 July 2003</u>	By:  Michelle M. Stempien Reg. No. 41,327 Direct Dial Telephone: (650) 843-7219	
<input type="checkbox"/> Inventor(s). <input type="checkbox"/> Assignee of complete interest. <input checked="" type="checkbox"/> Attorney or Agent of record. <input type="checkbox"/> Filed under 37 CFR 1.34(a), with Limited Recognition under 37 C.F.R. 10.9 (b). <input type="checkbox"/> Filed under 37 CFR 1.34(a) Registration number if acting under 37 CFR 1.34(a).		